IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.MC.No. 3892 of 2006()

CC.327/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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PETITIONER: ACCUSED:

SUBAIR,
S/O.KUNJU MOHAMMED,
PUTHIKATHU VEEDU, VEMBALLUR DESOM,
S.N.PURAM VILLAGE, KODUNGALLUR.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS: /COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3892 OF 2006

Dated this the 27th day of November, 2006.

ORDER

The petitioner faces indictment in a prosecution under Section 420 I.P.C. The petitioner had appeared before the learned Magistrate. He is employed abroad. The compulsion of his employment obliged him to leave India and rejoin duty at his place of employment in the Gulf States on 30.11.2006. The petitioner in these circumstances wants to apply to the learned Magistrate to exempt him from personal appearance. Before making a request to that effect before the learned Magistrate, he has come to this Court for permission to be granted by this Court to him to move an application for such exemption.

2. I am unable to understand the nature of the request. If the petitioner wants an application for exemption to be filed before the learned Magistrate, he must go before the learned Magistrate and file the same, instead of seeking prior permission from this Court to enable him to move such a petition. The petitioner can certainly move such application before the learned Magistrate and the learned Magistrate, considering all the circumstances, including the compulsion of the petitioner to be

at his place of employment on 30.11.2006 to save his employment, must pass appropriate orders on such application. No special or specific direction appears to be necessary. The Courts are expected to pass orders on such application expeditiously and on merits.

This Crl.M.C is, in these circumstances, dismissed, but with the above observation.

R.BASANT
JUDGE

rtr/